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Navy Case No. 82,222

TC 1700

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

:

Usman A.K. Sorathia

:

Serial No. 09/822,308

: Group Art Unit: 1712

Filed: March 29, 2001

: Examiner: Michael J. Feely

For: FIREPROOF PROTECTION INTEGRATING: Confirmation No. 7684

FABRICATION SYSTEM FOR COMPOSITE

:

STRUCTURES

:

1712
7/22/03
JC

RESPONSE TO ADVISORY ACTION

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Sir:

This will acknowledge receipt of the Examiner's Advisory Action dated July 9, 2003 in the above identified application, following the filing on June 27, 2003 of a Notice of Appeal and an Appeal Brief seeking reversal of the Examiner's final rejection of claims 17, 19 and 20 as set forth in the Final Office action dated April 4, 2003. For reasons hereinafter pointed out, the Examiner is urged to reopen prosecution of the application if he persists in relying on contentious arguments submitted for the first time in the current Advisory Action.

First, the arguments now submitted in the current Advisory Action, as to the accuracy of applicant's interpretation of the disclosure in the Day et al. patent, were not set forth in the Final Office action and therefore constitute a new basis for final rejection. The only basis set forth in the Final Office action for final rejection of claims 17, 19 and 20 is a repeated assertion that certain expressly identified portions of the disclosure in the Day et al. patent disclosure anticipate certain claim recitations involving introducing a fire resisting agent into the "barrier" after said forming thereof. In this regard the Examiner also interpreted the disclosure in the Day et al.

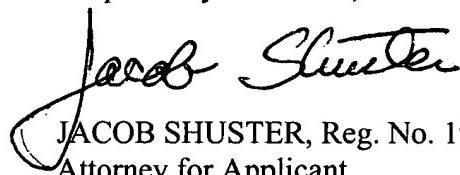
patent as stated on page 4 of the Final Office action by asserting: "Day et al. disclose--an exterior skin that is infused with--resin. This exterior skin is in contact with a barrier--". The identified portions of the disclosure in the Day et al. patent relied on in the Final Office action are paragraphs (0057) and (0058) in such patent.

More careful review of such identified portions of the Day et al. patent disclosure reveals that the term "barrier" as utilized in the disclosure applies only to the adhesive films 41, while "exterior skin" is referred to in the statement that: "--barrier films 41 and outer skins 37, are placed in a closed mold--". Thus as already pointed out of record by applicant, those portions of the Day et al. patent disclosure identified by the Examiner refer to infusion of resin into a panel 30 during its formation within a pump evacuated mold.

Contrary to and somewhat inconsistent with the foregoing referred to factual situation in this case, the current Advisory Action embodies as the new basis for final rejection involving a contentious interpretation of the Day et al patent disclosure, that the "barrier" called for by claim recitation is constituted by "exterior/outer skin 37 as disclosed in the Day et al. patent, and that such skin 37 would have been "inherently formed or shaped" when infused with resin inside of the mold.

In view of the foregoing, the Examiner is respectfully requested to reopen prosecution if the new basis for final rejection is to be relied on. Otherwise, an appropriate Examiner's Answer without inclusion of such new basis for final rejection in response to the Appeal Brief is expected in due course if allowance is not forthcoming before reversal on appeal.

Respectfully submitted,



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